

REMARKS

I. Introduction

Claims 9, 10, and 12 to 16 are currently pending in the present application. Claim 9 has been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that claims 9, 10, and 12 to 16 are allowable, and reconsideration of these claims is respectfully requested.

II. Rejection of Claims 9 and 13 to 16 under 35 U.S.C. § 103(a)

Claims 9 and 13-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over that which the Final Office Action characterized as the Admitted Prior Art (APA), specifically Figure 4 of the present application, in view of U.S. Patent No. 3,693,114 ("Kempf"). Applicants respectfully submit that this rejection should be withdrawn, for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 9 recites the following:

9. A decentralized electrical braking system, comprising:
at least four sensors for sensing an actuation of a brake actuating device;
at least four wheel-braking modules, each wheel-braking module being assigned to a corresponding vehicle wheel and acquiring sensor data and controlling braking of the corresponding vehicle wheel;
at least one first communication device connecting all four wheel-braking modules to one another for exchange of data;
an electrical connecting device for connecting each sensor to at least one wheel-braking module; and
at least one of a second communication device and a third communication device for facilitating at least one of receiving and exchanging data between at least two wheel-braking modules associated with opposite lateral sides of the vehicle, wherein **the first, second and third communication devices are discrete and are not connected to each other**,
wherein **the second communication device connects only a front wheel-braking module of a first lateral side of the vehicle to only a rear wheel-braking module of a second lateral side of the vehicle, and the third communication device connects only a front wheel-braking module of the second lateral side of the vehicle to only a rear wheel-braking module of the first lateral side of the vehicle.**

In support of the rejection, the Examiner contends that the APA teaches a first communication device part (part of 14), a second communication device part (another part of 14) and a third communication device part (yet another part of 14) in Figure 4, which device parts are not discrete. (Final Office Action, pp. 2 to 4). The Examiner further contends that Kempf teaches discrete communication devices (cables) 100, 200 and 300 meeting at a junction, and that it would have been obvious to modify the non-discrete device parts of the APA to be “discrete components, as taught by Kempf, in order to provide separate elements that facilitate system repair by enabling only a discrete component to be replaced.” However, this contention is simply unsupported by any suggestion in the APA and Kempf. First, Kempf clearly does not suggest that the three separate cables 100, 200 and 300 are provided to “facilitate system repair by enabling only a discrete component to be replaced”; instead, it is the **manner of connection** of the discrete cables 100, 200 and 300 which is the focus of Kempf, not the fact that three discrete cables are provided. Second, the APA clearly doesn’t suggest anything about the need to “facilitate system repair by enabling only a discrete

component to be replaced.” At best, the Examiner’s asserted modification is based on pure speculation that is clearly unsupported by any actual suggestion in the applied prior art.

Independent of the above, the APA does not disclose, or suggest, the features that **the first, second and third communication devices are discrete and are not connected to each other**, and **the second communication device connects only a front wheel-braking module of a first lateral side of the vehicle to only a rear wheel-braking module of a second lateral side of the vehicle**, and **the third communication device connects only a front wheel-braking module of the second lateral side of the vehicle to only a rear wheel-braking module of the first lateral side of the vehicle**. Nowhere does the APA indicate that **the first, second and third communication devices are discrete and are not connected to each other**. Specifically, according to the Examiner’s interpretation of Figure 4 of the APA, each of the first, second and third parts of communication device 14 is clearly connected to each other. Moreover, the Examiner relies on Kempf specifically to provide a junction to connect the first, second and third parts of communication device 14 to each other. Further, nowhere does the APA indicate that a **second communication device connects only a front braking module of a first lateral side to only a rear braking module of a second lateral side**. Similarly, nowhere does the APA indicate that a **third communication device connects only a front braking module of a second lateral side to only a rear braking module of a first lateral side**. Instead, the APA merely indicates a single communication device 14 that connects to each braking module. In addition, Kempf also does not disclose or suggest these claimed features of claim 9. In this regard, Kempf merely indicates a cable junction. (Kempf, col. 2, lines 27 to 28; and Figure 1).

Even if one assumed for the sake of argument that the Examiner’s interpretation of the APA is correct (with which assumption Applicants disagree), the **second communication device** of the APA, as illustrated with Examiner’s annotation on page 9 of the Office Action, **connects one braking module to all other braking modules**, but does not **connect only** a front braking module of a first lateral side **to only** a rear braking module of a second lateral side. Similarly, the **third communication device**, as illustrated at page 9 of the Office Action, **connects one braking module to all other braking modules**, but does not **connect only** a front braking module of a second lateral side **to only** a rear braking module of a first lateral side.

For at least the foregoing reasons, independent claim 9 and its dependent claims 13 to 16 are not rendered unpatentable by the combination of the APA and Kempf. It is therefore respectfully requested that the rejection be withdrawn.

III. Rejection of Claims 10 and 12 under 35 U.S.C. § 103(a)

Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over the APA, U.S. Patent No. 6,540,309 ("Jordan et al."), and U.S. Patent No. 5,086,499 ("Mutone"). Applicants respectfully submit that this rejection should be withdrawn, for the following reasons.

Independent claim 10 recites the following:

10. A decentralized electrical braking system, comprising:
 - at least four sensors for sensing an actuation of a brake actuating device;
 - at least four wheel-braking modules, each wheel-braking module being assigned to a corresponding vehicle wheel and acquiring sensor data and controlling braking of the corresponding vehicle wheel;
 - at least one first communication device connecting all four wheel-braking modules to one another for exchange of data;
 - an electrical connecting device for connecting each sensor to at least one wheel-braking module; and
 - at least one of a second communication device and a third communication device for facilitating at least one of receiving and exchanging data between at least two wheel-braking modules associated with opposite lateral sides of the vehicle, wherein the first, second and third communication devices are discrete,
 - wherein the at least one of the second communication device and the third communication device is configured identically with respect to connections to the at least four wheel-braking modules as the first communication device, and **each sensor is connected to two wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle.**

In support of the rejection, the Examiner contends that the APA modified by Jordan et al. and Mutone teaches all of the features included in claim 10. (Final Office Action, p. 5). With respect to the limitation that **each sensor is connected to two wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle**, the Examiner contends on page 5 of the Final Office Action that Mutone teaches "the use of each component 14 and 16 being connected to two modules 17 and 18." However, Mutone

merely indicates first satellite computer 14 and second satellite computer 16 in communication with I/O racks 17 and 18. (Mutone, col. 2, lines 26 to 34). It is respectfully submitted that the satellite computers 14 and 16 of Mutone do not constitute sensors, and I/O racks 17 and 18 do not constitute wheel-braking modules. Moreover, although Mutone indicates a sensor 24 connected to I/O racks 17 and 18, nowhere does Mutone disclose connecting its sensor 24 to two wheel-braking modules. At most, Mutone may indicate a sensor 24 connected to multiple I/O racks. However, nowhere does the combination of the APA and Mutone disclose a sensor connected to two wheel-braking modules associated with opposite lateral sides of a vehicle, on the same axle. Furthermore, there is absolutely no disclosure in the APA or Mutone of a sensor connected to two wheel-braking modules associated with opposite lateral sides of a vehicle, on the same axle. Moreover, Jordan et al. also does not disclose or suggest these claimed features of claim 10.

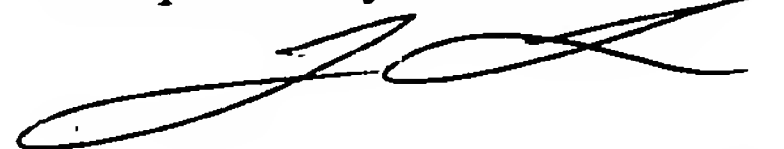
For at least the foregoing reasons, independent claim 10 and its dependent claim 12 are not rendered unpatentable by the combination of the APA, Jordan et al., and Mutone. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

Applicants respectfully submit that claims 9, 10, and 12-16 of the present application under consideration are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

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Respectfully submitted,



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By: JOHN LEE for Gerard Messina
Gerard A. Messina (Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

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